



# All Staff Recruitment, Selection and Disclosure Policy & Procedure

December 2023

## INTRODUCTION

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Harrow School Enterprises Ltd (HSEL) and Harrow School (the School) are committed to providing the best possible care and education to its pupils and to safeguarding and promoting the welfare of children and young people. We are also committed to providing a supportive and flexible working environment to all members of staff. We recognise that in order to achieve our aims it is of fundamental importance to attract, recruit and retain members of staff of the highest calibre, who share firm commitment to the School's purpose, values and behaviours.

The aims of our Recruitment, Selection and Disclosure Policy & Procedure are as follows:

- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- to deter, identify and reject prospective applicants who are unsuitable for work with children or young people;
- to ensure that all job applicants are considered equally and consistently and that discrimination and stereotyping play no part in the recruitment and selection process;
- to ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, gender reassignment, marital or civil partner status, disability or age;
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), *Safeguarding children and safer recruitment in education* (Guidance), *Keeping Children Safe in Education* (KCSIE), Equality Act 2010, the Prevent Duty and relevant guidance or code of practice published by the Disclosure and Barring Service (DBS);
- to ensure adherence to British Council quality assurance via its Accreditation UK scheme; and
- to ensure that the School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

## THE SCHOOL'S AND HSEL'S PURPOSE AND VALUES

The School's purpose is to prepare students with diverse backgrounds and abilities for a life of learning, leadership, service, and personal fulfilment.

HSEL's purpose is to engage in suitable, profitable activities that maximise the use of the school plant outside of term time, and also to manage the Sports Centre and The Hill Shop on behalf of Harrow School.

The School and HSEL's values are: Courage, Honour, Humility and Fellowship.

HSEL owns and operates Harrow School Short Courses (HSSC). HSSC brings the quality of a Harrow School education to all through a portfolio of part-time short courses, available year-round online and in the school holidays. HSSC encompasses the following divisions:

**Summer School:** We are a specialist provider of junior English language study holidays for young international students aged 8 to 17. Each summer we welcome students from around 45 different countries, all of whom come on residential courses and live in the School's boarding houses. In addition, we also arrange closed courses for large groups of students from a single nationality and collaborate with third parties such as UAL and BCG to manage hybrid study travel programmes.

English Online: An online English language school that delivers bespoke one-to-one and small group English classes, via our virtual campus, to international children and young adults throughout the year.

## **HSSC VALUES**

HSSC's values are: Educational, Memorable and Prestigious.

## **THE SCHOOL'S AND HSEL'S BEHAVIOURS**

The School's and HSEL's shared values are reflected in our behaviours:

### **COURAGE**

- We remain optimistic and purposeful in a disrupted world.
- We take responsibility for our decisions, even the hard ones.
- We always challenge poor behaviour in ourselves and others.
- We are open to new ideas, and seek fresh challenges.

### **HONOUR**

- We keep our promises.
- We act with integrity – doing the right thing, even when it is difficult or when no one is watching.
- We respect and value our traditions whilst setting them in the context of today.

### **HUMILITY**

- We work hard to serve others within the School and across our wider communities where possible putting their interests before our own.
- We give and seek honest and appropriate feedback, reflect on our failures and learn from them.
- We support each other through challenges and whatever the outcome, we celebrate those that took part.

### **FELLOWSHIP**

- We respect each other and value our differences, knowing that we are more effective and more resilient working together.
- We are kind and inclusive; we value the contribution that each of us makes.
- We role model the behaviours that we would like to see in others; we ask only of others what we would be prepared to do ourselves.

## **SCOPE OF THIS POLICY**

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The Recruitment, Selection and Disclosure Policy and Procedure document applies to members of staff directly recruited and employed/engaged by HSEL.

In the case of agency workers, HSEL will obtain written confirmation from the agency that it has carried out the appropriate checks as detailed in the Safer Recruitment Policy and Procedure.

In the case of contractors, HSEL will conduct the required checks as detailed in the Safer Recruitment Policy and Procedure and, where appropriate, obtain written confirmation that contractor checks have been carried out.

In the case of volunteers, HSEL will obtain checks as detailed in the Safer Recruitment Policy and Procedure.

## **RECRUITMENT AND SELECTION PROCEDURE**

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The School's purpose, values, behaviours, and ethos will be embedded throughout the recruitment process to ensure candidates understand HSEL's culture and can demonstrate how they can each individually make a positive contribution to the organisation.

### **ADVERTISING OF POSTS**

HSEL's general policy is to advertise vacancies to attract a wide range of high-quality candidates from diverse backgrounds, ensure fair and open competition and minimise costs. All advertisements for posts, whether in newspapers, journals or online should include a statement confirming that the School and HSEL are committed to safeguarding and the welfare of children and that all candidates in regulated activity will be required to undergo an enhanced DBS check.

### **JOB DESCRIPTIONS AND PERSON SPECIFICATION**

The qualifications, skills, experience, knowledge, aptitudes, and abilities that are required for the post will be identified clearly in the job description (including person specification); these can be downloaded from step one of the application form. The job description will also state that it is the individual's responsibility to promote the welfare of children and young people s/he is responsible for or comes into contact with. For questions about our positions please contact the HSEL HR Team at [HSEL-HR@harrowschool.org.uk](mailto:HSEL-HR@harrowschool.org.uk)

### **APPLICATION FORM**

HSEL will only accept applications from candidates completing the online application form in full found [here](#). CVs will not be accepted as a substitute for application forms. However, as part of the application, we ask that CVs are uploaded for the following roles to provide additional employment and personal information:

EFL DOS	EFL ADOS	EFL Administrator
EFL Senior Teacher	EFL Lead Teacher	EFL Teacher
Centre Director	Activities Manager	Pastoral Manager
Events Staff	Tutor	HSSC Operations Manager

Candidates who are applying to work with HSEL for the first time or who are applying for a position which is substantially different to that which they have held before (such as an EFL Teacher applying for an ADOS position) will be considered for interview based on a selection of criteria relevant to the role.

HSEL will make candidates aware that all posts in the School involve some degree of responsibility for safeguarding children, although the extent of that responsibility will vary according to the nature of the post.

Any gaps in employment history must be accounted for and will be explored (and noted) at interview.

The application form consists of nine stages. Please have the relevant information to hand. You may save your application at any stage should you wish to and re-enter at a later time.

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|----------|--|
| Stage 1: | Basic Contact Details and Position selection |
| Stage 2: | About You                                    |
| Stage 3: | Qualifications and Employment                |
| Stage 4: | Supporting Statements and Assessment         |
| Stage 5: | Preferences and Availability                 |
| Stage 6: | Special Assistance and References            |
| Stage 7: | Circumstances and Declaration                |
| Stage 8: | Curriculum Vitae (upload)                    |
| Stage 9: | Equal Opportunities (optional)               |

All applicants will receive an email or letter advising them if they have been selected for interview.

Application forms, job descriptions (including person specifications), and HSEL's Safeguarding Policy are available alongside this document from our website.

## **INTERNET SEARCH**

An online/media search will be carried out for all shortlisted candidates. The aim of this check is to determine if the candidates' online identity and activity may pose any safeguarding or reputational risk to HSEL. Any concerns will be discussed with the candidates during the interview and a risk assessment will be carried out documenting the considerations made. Information relating to the personal protected characteristics of the applicants will not be taken into account in considering their application.

## **INVITATION TO INTERVIEW**

HSEL will shortlist applicants for interview based on selection criteria which assess the candidate's qualifications, skills, experience, knowledge, aptitudes and abilities against the job description and person specification. Recruiting Managers are responsible for ensuring that shortlisting decisions are fair, objective and non-discriminatory.

All applicants are informed of the outcome of their application. If you are successful, you'll be invited to attend an interview. These interviews will be coordinated and conducted by at least two HSEL staff and/or Director of Studies and School Head of Department (where appropriate). The format of the interview will depend on the role applied for and further details will be communicated. During all interviews, relevant skills and experience will be discussed in more detail. HSEL seeks to ensure that at

least one person on the recruitment panel/s will have undertaken safer recruitment training. A written record of the interview will be kept.

- Harrow School Short Courses applicants (apart from those applying *solely* for EFL, House Parent or Managerial roles) will be invited to attend an assessment centre. Assessment centres are large scale recruitment days hosted at the School on the following dates:
  - Wednesday 3rd April 2024
  - Friday 12<sup>th</sup> April 2024
- Applicants for all other roles will be invited to interview. This may be face-to-face, telephone or online, depending on the position applied for and where you live. Some online interviews are recorded and viewed back by an additional interviewer. For details of how recordings are stored and disposed of, please see the Job Applicant Privacy Notice.

HSEL will contribute up to £32.50 for travel to Harrow School to attend an interview/assessment centre on production of valid travel receipts. HSEL will consider reimbursement of travel expenses above £35 on a case-by-case basis.

Shortlisting for most positions continues over a period of time until we have fully recruited for that role or filled all places in our assessment centres. When a position has been fully recruited for and we are no longer accepting new applications, this will be advised on the Harrow School Enterprises or Harrow School Short Courses website. Information about the availability of positions and any recruitment deadlines is available from the HSEL HR Team at [HSEL-HR@harrowsschool.org.uk](mailto:HSEL-HR@harrowsschool.org.uk)

In addition to technical/competency-based questions, candidates will be asked questions relating to their attitude and motivation to work with children and young people (or in an environment where they are present).

For security purposes, and in accordance with statutory guidance, all applicants are to provide original documentation, during interview, confirming:

- (photo) evidence of their identity
- right to work in the UK documents
- any educational professional qualifications that are necessary or relevant for the post (e.g. the original or certified copy of certificates, diplomas etc.)

In addition, all shortlisted candidates will be asked to complete a self-disclosure form prior to interview to declare any criminal convictions. HSEL will not unfairly discriminate against any applicant on the basis of a conviction or other details revealed. Each case will be decided on its merits, in accordance with the objective assessment criteria set out in Appendix 1 of this policy.

Candidates who are interviewing online must scan and email a copy of these documents to their interviewer then show the originals via their webcam in the interview. Original documents must then be brought to HSEL before the start of contract where applicable. Where original certificates or certified copies of qualifications obtained are not available, written confirmation of the relevant qualifications must be obtained from the awarding body.

All candidates will receive an email or letter advising them of the outcome of their interview.

## CONDITIONAL OFFER OF APPOINTMENT

If it is decided to make an offer of employment following the formal interview, any such offer (to external candidates) will be conditional on the following basis:

- an agreed start date and the signing of a contract incorporating HSEL's standard terms and conditions of employment;
- completion and return of bank details form including your National Insurance number (see below) and New Starter Checklist/P45;
- verification of the applicant's identity (where that has not previously been verified);
- receipt of at least two references which are satisfactory to HSEL, will be checked and verified before employment, one of which will normally be from your most recent employer. References produced by candidates will not be accepted. Reference requests will ask specifically whether there is any reason that you should not be engaged in situations where you have responsibility for, or substantial access to, persons under 18. Returning staff will need to provide referee details for their most recent employer if this has changed since their last employment with HSEL.;
- for teaching positions, confirmation from the Teaching Regulation Agency (previously known as the National College for Teaching and Leadership (NCTL)) that the applicant is not subject to a prohibition order (including check of any overseas authority restrictions, if applicable);
- a clear Teacher Reference Number Check (TRN) in the case that you have Qualified Teacher Status (QTS);
- the receipt of an Enhanced Disclosure from the DBS which the School considers to be satisfactory, and that the enhanced DBS certificate is provided to the School before the first day of employment;
- where the position amounts to "regulated activity" (see section 3 below) confirmation that the applicant is not named on the Children's Barred List administered by the DBS<sup>1</sup>;
- verification of the applicant's medical fitness for the role (see section 4 below); and
- verification of the applicant's right to work in the UK;
- if you have worked or been resident overseas for three months or more in the previous five years, equivalent overseas police checks from those countries.;
- completion of the HSEL online Equality and Diversity questionnaire (optional);
- confirmation that the applicant has read, understood and agreed to abide by key policies including the Safeguarding and Child Protection Policy, Code of Conduct and ICT Acceptable Use Policy;
- satisfactory explanation of all gaps in education and employment history;
- verification of professional qualifications which HSEL deems a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified);
- completion of an online safeguarding training course; and
- completion of an HSEL induction

All employees need a National Insurance number in order to ensure they are taxed correctly by HMRC. If the number has been forgotten or lost, a replacement number can be obtained by contacting HMRC on 0300 200 35 00.

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<sup>1</sup> A check of the Children's Barred List is not permitted, if an individual will not be undertaking "regulated activity". Whether a position amounts to "regulated activity" must therefore be considered by the School/HSEL in order to decide which DBS checks are appropriate. It is, however, likely that in nearly all cases a Children's Barred List check will be carried out.

If an employee has not been issued with a National Insurance Number (for example, because they are new to the UK) they can apply for a number by calling 0800 141 2075 or click [here](#) for more information.

## **MEDICAL FITNESS**

HSEL is legally required to verify the mental and physical fitness to carry out their work responsibilities in respect of anyone to be appointed to a post at HSEL, after an offer of employment has been made but before the appointment can be confirmed.

It is HSEL's practice that all applicants, to whom an offer of employment is made, must complete a Medical Questionnaire. The information contained in the questionnaire will then be held by HSEL in strictest confidence and processed in accordance with the School's Employee Privacy Notice and Data Protection Policy. The information will be reviewed against the Job Description for the particular role. If HSEL has any doubts about an applicant's fitness, HSEL will consider reasonable adjustments in consultation with the applicant. HSEL may also seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.

HSEL is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, obtaining medical evidence and considering reasonable adjustments.

## **EQUALITY AND DIVERSITY IN RECRUITMENT & SELECTION**

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HSEL promotes a positive approach to diversity as this will ensure the selection of the best person for the job based on merit alone and free from bias on the grounds of characteristics such as age, disability, gender, sexuality or race that are not relevant to the person's ability to do the job.

HSEL values differences between people and understands the benefits of employing a diverse range of talented individuals.

The Diversity Checklist attached at Appendix 2 will provide practical information and guidance for Recruiting Managers.

## **PRE-EMPLOYMENT CHECKS**

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In accordance with the recommendations set out in the statutory guidance, HSEL carries out a number of pre-employment checks in respect of all prospective employees.

In addition to the checks set out below, HSEL reserves the right to obtain such formal or informal background information about an applicant as is reasonable in the circumstances to determine whether they are suitable to work at HSEL. This may include internet and social media searches.

## **VERIFICATION OF IDENTITY, ADDRESS, AND RIGHT TO WORK IN THE UK**

As per the Section 'Invitation to Interview', all applicants who are invited to interview will be required to bring with them original photo ID. HSEL complies with the DBS identity checking guidelines. As part of the recruitment process, applicants will be advised of the original documents they are required to provide.

Where an applicant claims to have changed his/her name by deed poll or any other means (e.g. marriage, adoption, statutory declaration) he/she will be required to provide documentary evidence of the change.

HSEL asks for the date of birth of all applicants (and proof of this) in accordance with guidance. Proof of date of birth is necessary so that HSEL may verify the identity of all applicants as well as check for any



unexplained discrepancies in the employment and education history. HSEL does not discriminate on the grounds of age.

## **REFERENCES**

A complete set of references will be taken up once an offer of employment is made, unless these have been received previously.

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by HSEL. One of the references must normally be from the applicant's current or most recent employer. If the current / most recent employment does / did not involve work with children, then the second reference should be from the employer with whom the applicant most recently worked with children. Neither referee should be a relative or someone known to the applicant solely as a friend or colleague. References need to be from a senior person within the organisation and should be confirmed by the Head Teacher if the employee is/was school based.

HSEL may, at its discretion, require further references, as appropriate, in order to satisfy itself that the preferred candidate is both suitable and appointable.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children. All referees will normally be sent a copy of the job description and person specification for the role for which the applicant has applied. If the referee is a current or previous employer, he/she will also be asked to confirm the following:

- the applicant's dates of employment, salary, job title / duties, reason for leaving, performance, and disciplinary record;
- whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired), except where the issues were deemed to have resulted from allegations which were found to be false, unsubstantiated, unfounded or malicious; and
- whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, except where the allegation or concerns were found to be false, unsubstantiated, unfounded or malicious.

HSEL will only accept references obtained directly from the referee. It will not rely on references or testimonials provided by the applicant or on open references or testimonials.

HSEL will compare all references with information given on the application form. Any discrepancies or inconsistencies in the information will be taken up with the applicant and the relevant referee before any appointment is confirmed. HSEL will contact referees upon receipt of references to confirm that they have indeed supplied the reference.

## **PROHIBITION CHECKS**

Persons who are prohibited from teaching /and or management will not be appointed to work for HSEL. Any offer of employment will be subject to the same and will not be confirmed until HSEL is satisfied that the individual is not prohibited from teaching and/or management.

### **Prohibition from Teaching Orders including overseas authority restrictions**

Prohibition orders prevent a person from carrying out teaching work in schools and other settings. A letter of professional standing from the professional regulating authority in the country/countries in

which the applicant has worked will be required where the applicant has taught abroad. HSEL will require extra references and an overseas criminal check if a letter of professional standing cannot be obtained.

### **Prohibition from management directions (Section 128 directions)**

HSEL is required to check for the existence of directions made by the Secretary of State under s.128 of the Education and Skills Act 2008 barring individuals from taking part in the management of an Independent School. The scope of the barring directions covers membership of proprietor bodies (including Governors), and any staff management position which involves regulated activity (which encompasses all teaching posts above classroom teacher, and all non-teaching posts where the person is a member of the Senior management Team).

All members of staff employed by HSEL are regarded as being in 'regulated activity' for the purposes of this check.

### **CRIMINAL RECORDS CHECK**

Due to the nature of the work, HSEL applies for an enhanced disclosure from the DBS in respect of all prospective staff members and volunteers. Most posts at HSEL are exempt from the Rehabilitation of Offenders Act 1974. These are set out in the Rehabilitation of Offenders Act (Exceptions) order 1975. This means that shortlisted applicants applying for posts at HSEL must declare all convictions, cautions and bind-overs, including those regarded as 'spent'. Shortlisted applicants who have been convicted of a criminal offence will be requested to give details, in confidence, to the HR Coordinator or HSEL Business Director. The details will subsequently be destroyed.

Prior to 29 May 2013 an enhanced disclosure contained details of all convictions on record (including those which are defined as "spent" under the Rehabilitation of Offenders Act 1974) together with details of any cautions, reprimands or warnings held on the Police National Computer. It could also contain non-conviction information from local police records which a chief police officer considered relevant to the role applied for at HSEL.

As of 29 May 2013, the DBS commenced the filtering and removal of certain specified information relating to old and minor criminal offences from all criminal records disclosures. The DBS and the Home Office have developed a set of filtering rules relating to spent convictions which work as follows:

#### **For those aged 18 or over at the time of an offence**

An adult conviction will be removed from a DBS disclosure if:

- eleven years have elapsed since the date of conviction;
- it is the person's only offence; and
- it did not result in a custodial sentence.

It will not be removed under any circumstances, if it appears on a list of "**specified offences**" which must always be disclosed. If a person has more than one offence on their criminal record, then details of all their convictions will always be included.

A caution received when a person was aged 18 or over will not be disclosed if six years have elapsed since the date it was issued, and if it does not appear on the list of "specified offences".

## **For those aged under 18 at the time of an offence**

A conviction will be removed from a DBS disclosure, if:

- five and a half years have elapsed since the date of conviction; and
- it is the person's only offence; and
- it did not result in a custodial sentence.

Again, the conviction will not be removed under any circumstances if it appears on the list of "specified offences", or if a person has more than one offence on their criminal record.

A caution received when a person was aged under 18 will not be disclosed if two years have elapsed since the date it was issued, and if it does not appear on the list of "specified offences".

### **The list of "specified offences" which must always be disclosed**

This contains a large number of offences, which includes certain sexual, violent and other offences that are considered so serious they will always be disclosed, regardless of when they took place or of the person's previous or subsequent criminal record. The list of "specified offences" can be found at:

<https://gov.uk/government/publications/dbs-list-offences-that-will-never-be-filtered-from-a-criminal-record-check>

HSEL applies for an enhanced disclosure from the DBS and a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions within the organisation which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended). The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List maintained by the DBS. Any position undertaken at, or on behalf of, HSEL (whether paid or unpaid), will amount to "regulated activity" if it is carried out:

- frequently, meaning once a week or more; or
- overnight, meaning between 2.00 am and 6.00 am; or
- regularly in that it satisfies the "period condition", meaning three times or more in a 30-day period; and
- provides the opportunity for contact with children.

This definition will cover nearly all posts within HSEL.

It is for HSEL to decide whether a role amounts to "regulated activity" taking into account all the relevant circumstances.

The DBS now issues a DBS disclosure certificate to the subject of the check only, rather than to HSEL. It is a condition of employment with HSEL that the original disclosure certificate is provided to HSEL prior to the new employee's start date. Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by HSEL.

If there is a delay in receiving a DBS disclosure and the position requires an urgent start, the recruiting manager, in consultation with HR, may allow an individual to begin work pending receipt of the disclosure only if:

- all other checks, including a clear Children's Barred List check (where the position amounts to regulated activity), have been completed;
- the position will not be based in or require entry into a boarding house;
- appropriate supervision can be put in place;

- a new starter DBS risk assessment is completed and reviewed every week until the enhanced DBS check is received.

No employee will be able to work unsupervised and will be subject to a DBS risk assessment (incorporating the appropriate level of supervision) until a suitable DBS disclosure certificate is received by HSEL. The risk assessment will be reviewed on a weekly basis until receipt of the disclosure.

## **DISCLOSURE UPDATE SERVICE**

The disclosure update service allows individuals to register their details online with the DBS (as part of their enhanced disclosure application) and pay an annual fee to keep their DBS certificate details updated. This means that any future employers can quickly check the certificate online which will avoid many unnecessary repeat applications. Further information on the service is detailed below, available from the HSEL HR Coordinator or online at <https://www.gov.uk/dbs-update-service>.

You can join the Update Service when you apply for a DBS check, or during the application process, you can join using your DBS application form reference number. This can be found in the top right-hand corner of the front page of the application form, or you can ask the HSEL HR Coordinator for it. If you join the Update Service using your application form reference number as mentioned above, your application must be received by the DBS within 28 days of you joining.

You can also join the Update Service when you receive your DBS certificate, by using your certificate number. If you choose to do this, you must join the Update Service within 30 days of the 'date of issue' displayed on your certificate.

Should you subscribe to the Update Service, HSEL recommend joining using your application form reference number as this allows the HSEL HR Coordinator to assist earlier in the process.

Any gaps in employment/engagement longer than three months will normally require a new enhanced disclosure check to be undertaken. HSEL therefore strongly encourages casual workers, who return to HSEL on a regular basis but may have 3+ months gaps before they return employees, to sign up to the update service. HSEL will fund an enhanced DBS check once and will then reimburse the worker for the cost of signing up to the update service each year the employee is invited to return. If a returning worker has failed to keep their enrolment with the update service current, HSEL may refuse to fund the cost of a further DBS check.

## **OVERSEAS CRIMINAL RECORD CHECK**

If HSEL does not consider the DBS certificate alone as sufficient (because it would not cover offences committed abroad), HSEL will require whatever evidence of checking is available from the person's country of origin (or any other countries in which he or she has lived) before the appointment is confirmed.

An overseas check will be required where the applicant has lived and/or worked abroad for three months or more in the last five years. The Home Office has published updated guides on what checks are available from different countries. A UK national returning after working in a foreign country is required to obtain a certificate of good conduct or a letter of professional standing from the professional regulating authority from the country/countries in question. HSEL will request extra references from countries that do not provide criminal record checks or should the overseas criminal record check be delayed. If an employee needs to start prior to receipt of the overseas police check, HSEL will confirm a start date provided that a risk assessment and all other pre-employment checks, including DBS and reference checks, are in place.

## **PREVENT DUTY**

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Under the Counter-Terrorism and Security Act 2015 the Prevent Duty requires specified authorities, in the exercise of their functions, to have due regard to the need to prevent people from being drawn into terrorism. Under the Prevent Duty, all members HSEL staff, including recruiting managers, are required to use their professional judgment to identify any potential risks of radicalisation in respect of the children who are in HSEL's care and to act proportionately.

## **DATA PROTECTION AND RETENTION OF RECORDS**

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HSEL is legally required to undertake the above pre-employment checks. Candidates will be required to provide certain information to enable HSEL to carry out the checks that are applicable to their role. HSEL will be required to provide certain information to third parties, such as the Disclosure and Barring Services and the Teaching Regulation Agency. Failure to provide requested information may result in HSEL not being able to meet its employment, safeguarding or legal obligations. HSEL intends to comply with its legal obligations under the Data Protection Act 2018 and the EU General Data Protection Regulation (GDPR) and will process pre-employment information in accordance with its Job Applicant Privacy Notice.

If the applicant is successful, personal data gathered during the recruitment process (with the exception of DBS information) will be transferred to the new employee's personnel file and retained during their employment. DBS certificate information will not be kept any longer than is necessary. This retention will allow for the consideration and resolution of any disputes or complaints or be for the purpose of completing safeguarding audits. Once the retention period has elapsed, HSEL will ensure that any DBS certificate information is immediately destroyed by shredding. Details about how HSEL processes employee data and the periods for which data will be held is set out in the School's Employee Privacy Notice and Data Protection Policy.

## **REFERRALS TO THE DBS AND TEACHING REGULATION AGENCY**

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This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that will be undertaken prior to employment being confirmed. Whilst these are pre-employment checks, HSEL also has a legal duty to make a referral to the DBS in circumstances where an individual:

- has applied for a position within HSEL despite being barred from working with children; or
- has been deployed to another area of work that is not regulated activity (whether paid or unpaid), or has been suspended or has resigned prior to being redeployed, because they have harmed, or pose a risk of harm, to a child (the *harm test*).

If the individual referred to the DBS is a teacher, HSEL may also decide to make a referral to the Teaching Regulation Agency.

## **POLICY DEVELOPMENT AND REVIEW**

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This procedure is designed to set good practice standards. However, HSEL recognises that best practice develops over time and, as such, will update it regularly in the light of experience and as a result of changes in legislation or its own internal organisation and policies. The procedure will be subject to a comprehensive review on a biennial basis.

Policy created:	December 2020
Reviewed:	December 2021, November 2022, November 2023, December 2023
Next Review:	November 2024

## **APPENDIX I**

### **POLICY ON RECRUITMENT OF EX-OFFENDERS**

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#### **BACKGROUND**

HSEL will not unfairly discriminate against any applicant for employment on the basis of a conviction or other details revealed. HSEL complies with the Disclosure and Barring Service (DBS) Code of Practice and makes appointment decisions on the basis of skills, qualifications and experience. If an applicant has a criminal record, this will not automatically bar him / her from employment within HSEL. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 3 below.

All positions within HSEL are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent" except for those to which the DBS filtering rules apply. A failure to disclose a previous conviction (which should be declared) may lead to an application being rejected or, if the failure to disclose is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct or the job offer being withdrawn. A failure to disclose a previous conviction may also amount to a criminal offence.

It is unlawful for HSEL to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to attempt to apply for a position within HSEL. HSEL will make a report to the Police and /or the LADO, in the first instance, if:

- it receives an application from a barred person;
- it is provided with false information in, or in support of an applicant's application; or
- it has serious concerns about an applicant's suitability to work with children.

A subsequent referral to the DBS and/or the Teaching Regulation Agency may also become necessary.

#### **ASSESSMENT CRITERIA**

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, HSEL will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question;
- the seriousness of any offence or other matter revealed;
- the length of time since the offence or other matter occurred;
- whether the applicant has a pattern of offending behaviour or other relevant matters;
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters; and
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

The majority of HSEL posts involve regular contact with children. Therefore, it is normally HSEL's policy to consider it a high risk to employ anyone who has been convicted at any time for any of the following offences:

- murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence; or
- Class A drug related offences, robbery, burglary, theft, deception or fraud.

If the post involves access to money or budget responsibility, it is normally HSEL's policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

If the post involves some driving responsibilities, it is normally HSEL's policy to consider it a high risk to employ anyone who has been convicted of a serious driving offence within the last ten years, including careless driving, being under the influence of alcohol or drugs while driving, major speeding offences.

## **ASSESSMENT PROCEDURE**

Shortlisted applicants will be asked to complete a self-disclosure form about their suitability to work with children and this will include information about criminal records.

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, HSEL will carry out a risk assessment by reference to the criteria set out above. The risk assessment must be signed by the HSEL Business Director before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, he/she can do so by contacting the DBS direct. In cases where the applicant would otherwise be offered a position were it not for the disputed information, HSEL will (where practicable and at its discretion) defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

## **RETENTION AND SECURITY OF DISCLOSURE INFORMATION**

HSEL's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information.

In particular, HSEL will:

- store disclosure information and other confidential documents issued by the DBS in locked, non-portable storage containers, access to which will be restricted to members of HSEL Head Office;
- not retain disclosure information or any associated correspondence for longer than is necessary;
- HSEL will keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken;
- ensure that any disclosure information is destroyed by suitably secure means such as shredding; and
- prohibit the photocopying or scanning of any disclosure information without the express permission of the individual.



## **APPENDIX 2**

### **DIVERSITY CHECKLIST**

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Recruiting Managers may find the following practical information useful. Please contact the HR Team for specific queries about a diversity issue.

#### **The Job Description, Person Specification and Advert**

- Check your job description and person specification to ensure they do not include any content that is potentially discriminatory or unreasonably excludes certain groups without justification.
- Make sure the job title is clear, gender neutral and meaningful inside and particularly outside of the School.
- Ensure that you do not use any potentially discriminatory language, terms or criteria in your advert.
- Do not include age-related criteria in your wording. Avoid words like "young", "recently qualified" and "mature", as these could potentially be seen to be discriminatory to older or younger workers and therefore in breach of the Equality Act 2010.

#### **Shortlisting**

- Use the job description and person specification to establish clear shortlisting criteria.
- Avoid making assumptions about applicants based on name, how long ago they were at school or university, family or caring responsibilities etc. Focus on assessing each candidate objectively on how well they meet your selection criteria based on the evidence they provide in their application.
- Chronological information on education and work experience is required to establish whether a candidate has any gaps in their work/education history. In a safeguarding setting, this is necessary information. However, such information also indicates a person's general age and it is important not to consciously or unconsciously let the candidate's age affect your judgment as to their suitability.
- Wherever possible, avoid undertaking the shortlisting process by yourself. However, there may be occasions when - depending on the volume of applications - the Recruiting Manager may want to do an initial sift of applications, passing on a more manageable number to members of the shortlisting panel.
- Members of the panel should use the essential criteria to shortlist individually and then discuss their selection and make a final decision on who should be invited for interview.
- Try to avoid comparing one applicant against another – you should be comparing each application against the set criteria; not making comparisons between applicants as this is where bias can influence your decisions.
- Allow sufficient time to shortlist - research shows that unconscious bias has a more pronounced influence on decisions when time pressure or other distractions exist.
- Be able to explain every decision for eliminating or advancing a candidate. All decisions must be based on evidence.
- If your shortlist is not reflective of the diversity of the pool of applicants, discuss further and identify the reasons for this. Ensure that your final decision can be clearly justified based on the essential criteria you have listed for the job.

#### **THE SELECTION INTERVIEW**

- Aim to establish a diverse panel; research shows that different perspectives can lead to better decision-making. Ensure that all members of the interview panel have a voice and are able to share their opinions. This will help combat the dangers of 'group-think'.
- Take time to develop a structured set of interview questions and ensure that these questions are consistently applied to each candidate. Questions should explore previous experience and the development of the skills necessary to do the job. You will find more information to help you design your questions in the Managers' Guide to Recruitment and Selection.
- Ensure that each of your interview questions is targeted to assess the essential criteria as set out in the job description and person specification.
- Avoid making assumptions about candidates based on personal appearance, age, name, ethnicity or nationality.
- Avoid comparing each candidate against the previous interview – a candidate's evaluation should not be contingent on who was interviewed immediately before them.
- Do not make decisions based on a candidate being a 'good fit'. This can lead to individuals recruiting the people who are most like themselves. Focus instead on the specific reasons for a 'poor fit' and explore whether these reasons are evidence-based or if they reflect biases and a tendency to recruit individuals who are similar to yourself.
- Ensure that all of your decisions are evidence-based and can be supported by factual feedback based on interview performance and the job criteria. Do not use any casual conversation that may have taken place outside of the structured interview as a deciding factor.
- When you assess a disabled applicant's suitability for the job you must take account of how reasonable adjustments could enable them to do the job. If, after taking reasonable adjustments into account, they would not be the best person for the job, you do not have to offer it to them. Always contact the HR Team for advice where you are considering a candidate with a disability.
- If someone you invite for interview can't make the date set, make sure you at least consider whether you can re-arrange the interview to accommodate them. If its because of child-care responsibilities, a disability issue or even a religious holiday then you may be potentially discriminating.
- Finally, if the panel has significant doubts about the ability of any of the candidates to fulfil the role effectively - don't appoint. It may not seem like it at the time but it is far better in the long run to go through a second recruitment process and find the right person than to appoint the wrong person and have to deal with the consequences.